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June 16, 2016

VIA ECF
Honorable Robert D. Drain
United States Bankruptcy Court
Southern District of New York
300 Quarropas St.
White Plains, New York, 10601

Re: In re Silva Case No. 14-23184

Dear Judge Drain:

I am writing as co-counsel for Caliber Home Loans, Inc. ("Caliber") as servicer for U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust in the above referenced matter to provide the Court in response to the letter and exhibits filed by counsel for the Debtor on June 15, 2016, as ECF No. 44 and 44-1 (the "Report").

The only proceedings before the Court at this time are pursuant to the Loss Mitigation Order entered as ECF No. 15. As reflected in the May 31, 2014 status letter filed by Caliber as ECF No. 41 and as admitted by the Debtor in the June 15 status letter, the Debtor has accepted a trial modification with specific terms for a permanent modification.

It is submitted that the matters before the Court are resolved or addressed in Caliber's prior submission filed on May 18 2016 as ECF No. 39, but for (i) the removal of the MLPA and the AAA from the Court docket; and (ii) the improper filing of the Report.

Attaching the Report to a status letter is procedurally and substantively improper. Assuming, the Debtor wishes to proceed with litigation as opposed to a loan modification which the Debtor has accepted and which renders this matter moot, the Report is not submitted in connection with any formal pleading, adversary proceeding or contested matter and has not been determined by this Court to even qualify as an expert report. Thus, the Report is irrelevant

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hearsay, which is not admissible for any purpose under F.R.E. 401, 702 and 801, and *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579, 589, 597, 113 S.Ct. 2786, 125 L.Ed.2d 469 (1993).

Accordingly, at the June 22 status conference, Caliber will (i) request that the pending loss mitigation proceedings be adjourned until September 2016 after the completion of the trial plan; (ii) renew its request that this Court strike the MLPA and AAA from the docket in accordance with the Court's prior rulings and agreements of the parties at the March 23, 2016 status conference; and (iii) request that the Court strike the Report (ECF No. 44-1) from the record.

Respectfully,



Jay Teitelbaum

cc. Charles Stiene, Esq.
Linda Tirelli, Esq.